

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
4:43 pm, Feb 01, 2021
JEFFREY P. COLWELL, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. **20-CV-01687-SKC**

SHONTELLA YOUNG

Plaintiff(s),

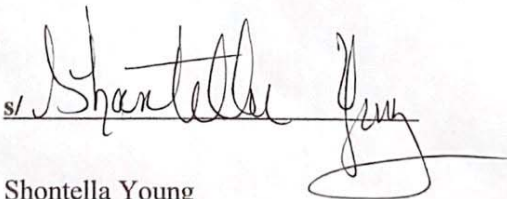
v.

18TH JUDICIAL PROBATION DEPARTMENT

Defendant(s).

**NOTICE OF FILING SECOND AMENDED EMPLOYMENT DISCRIMINATION
COMPLAINT**

Pursuant to Fed.R.Civ.P. 15 and D.C.COLO.LCivR 15.1, I, Shontella Young, the plaintiff, am filing this Second Amended Complaint because I had conferred with the defendant's attorney(s) who had no objection with the filing of my complaint, herein attached as an exhibit, with edits highlighted in red markings,

s/ 

Shontella Young
PO Box 473495
Aurora, CO 80047
P: 303-587-5911
IM12BLEV@YAHOO.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 20-CV-01687-SKC

Shontella Young _____, Plaintiff

v.

18th Judicial Probation Department _____

_____, Defendant(s).

(List each named defendant on a separate line. If you cannot fit the names of all defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section B. Do not include addresses here.)

SECOND AMENDED EMPLOYMENT DISCRIMINATION COMPLAINT

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

A. PLAINTIFF INFORMATION

You must notify the court of any changes to your address where case-related papers may be served by filing a notice of change of address. Failure to keep a current address on file with the court may result in dismissal of your case.

SHONTELLA YOUNG, PO BOX 473495, AURORA, CO 80047-3495

(Name and complete mailing address)

303-587-5911 IM12BLEV@YAHOO.COM

(Telephone number and e-mail address)

B. DEFENDANT(S) INFORMATION

Please list the following information for each defendant listed in the caption of the complaint. If more space is needed, use extra paper to provide the information requested. The additional pages regarding defendants should be labeled "B. DEFENDANT(S) INFORMATION."

Defendant 1: 18TH JUDICIAL PROBATION DEPARTMENT, C/O DOUG GRAY, 6904 S. LIMA STREET, CENTENNIAL, CO 80112

(Name and complete mailing address)

720-213-7830 DOUGLAS GRAY@JUDICIAL.STATE.CO.US

(Telephone number and e-mail address if known)

Additional address for service of processor: Office of the Attorney General, Colorado Department of Law, Ralph L. Carr Judicial Building, 1300 Broadway, 10th Floor, Denver, Co 80203

Defendant 2: _____

(Name and complete mailing address)

(Telephone number and e-mail address if known)

C. JURISDICTION

Identify the statutory authority that allows the court to consider your claim(s): (check all that apply)

☒ Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, et seq.
(employment discrimination on the basis of race, color, religion, sex, or national origin)

☐ Americans with Disabilities Act, as amended, 42 U.S.C. §§ 12101, et seq. (employment discrimination on the basis of a disability)

☐ Age Discrimination in Employment Act, as amended, 29 U.S.C. §§ 621, et seq.
(employment discrimination on the basis of age)

☒ Other: (please specify) ~~42 USC 1981~~

D. STATEMENT OF CLAIM(S)

State clearly and concisely every claim that you are asserting in this action and the specific facts that support each claim. If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "D. STATEMENT OF CLAIMS."

CLAIM ONE: TITLE VII Race Discrimination

The conduct complained of in this claim involves the following: *(check all that apply)*

☐ failure to hire

 ☒ different terms and conditions of employment
☐ failure to promote

 ☐ failure to accommodate disability
☒ termination of employment

 ☐ retaliation
☐ other: *(please specify)* _____

Defendant's conduct was discriminatory because it was based on the following: *(check all that apply)*

☒ race

 ☐ religion

 ☐ national origin

 ☐ age
☐ color

 ☐ sex

 ☐ disability

Supporting facts:

I am a African American woman. See attached additional pages.

CLAIM TWO: TITLE VII Hostile Work Environment

The conduct complained of in this claim involves the following: *(check all that apply)*

☐ failure to hire ☒ different terms and conditions of employment
☐ failure to promote ☐ failure to accommodate disability
☐ termination of employment ☐ retaliation
☐ other: *(please specify)* _____

Defendant's conduct was discriminatory because it was based on the following: *(check all that apply)*

☒ race ☐ religion ☐ national origin ☐ age
☐ color ☐ sex ☐ disability

Supporting facts:

This claim incorporates all previous allegations. See attached additional pages.

[Click Here for Additional Claim](#)

CLAIM THREE: **TITLE VII Retaliation**

The conduct complained of in this claim involves the following: *(check all that apply)*

☐ failure to hire ☐ different terms and conditions of employment
☐ failure to promote ☐ failure to accommodate disability
☐ termination of employment ☒ retaliation
☐ other: *(please specify)* _____

Defendant's conduct was discriminatory because it was based on the following: *(check all that apply)*

☒ race ☐ religion ☐ national origin ☐ age
☐ color ☐ sex ☐ disability

Supporting facts:

This claim incorporates all previous allegations. See attached additional pages.

~~CLAIM FOUR: Section 1981~~ _____

The conduct complained of in this claim involves the following: *(check all that apply)*

- | | |
|---|--|
| <input type="checkbox"/> failure to hire | <input checked="" type="checkbox"/> different terms and conditions of employment |
| <input type="checkbox"/> failure to promote | <input type="checkbox"/> failure to accommodate disability |
| <input checked="" type="checkbox"/> termination of employment | <input type="checkbox"/> retaliation |
| <input type="checkbox"/> other: <i>(please specify)</i> _____ | |

Defendant's conduct was discriminatory because it was based on the following: *(check all that apply)*

- | | | | |
|--|-----------------------------------|--|------------------------------|
| <input checked="" type="checkbox"/> race | <input type="checkbox"/> religion | <input type="checkbox"/> national origin | <input type="checkbox"/> age |
| <input type="checkbox"/> color | <input type="checkbox"/> sex | <input type="checkbox"/> disability | |

Supporting facts:

~~This claim incorporates all previous allegations. See attached additional pages.~~

~~CLAIM FIVE: Hostile Work Environment Under Section 1981~~

The conduct complained of in this claim involves the following: *(check all that apply)*

☐ failure to hire ☒ different terms and conditions of employment
☐ failure to promote ☐ failure to accommodate disability
☐ termination of employment ☐ retaliation
☐ other: *(please specify)* _____

Defendant's conduct was discriminatory because it was based on the following: *(check all that apply)*

☒ race ☐ religion ☐ national origin ☐ age
☐ color ☐ sex ☐ disability

Supporting facts:

~~This claim incorporates all previous allegations. See attached additional pages.~~

~~CLAIM SIX: Retaliation Under Section 1981~~

The conduct complained of in this claim involves the following: *(check all that apply)*

☐ failure to hire ☐ different terms and conditions of employment
☐ failure to promote ☐ failure to accommodate disability
☐ termination of employment ☒ ~~retaliation~~
☐ other: *(please specify)* _____

Defendant's conduct was discriminatory because it was based on the following: *(check all that apply)*

☒ ~~race~~ ☐ religion ☐ national origin ☐ age
☐ color ☐ sex ☐ disability

Supporting facts:

~~This claim incorporates all previous allegations. See attached additional~~

D. STATEMENT OF CLAIMS.:

CLAIM ONE: TITLE VII Race Discrimination

Supporting facts cont...

...By choosing to continue my education and receiving my MBA, I was qualified and hired for the support staff position. In knowing I qualified for the position I saw it fit as the position being a good way for me to learn more with the potential of being promoted within the Judicial department. They took adverse action against me under circumstances of discrimination. During my tenure being employed, 2 new hires were employed, both white females who were treated differently and more favorable.

On March 19th, 2020 I was terminated and this is a continuation of discrimination against me.

CLAIM TWO: TITLE VII Hostile Work Environment

Supporting facts cont...

...While working at the Arapahoe County Justice Courthouse in August 2019, I was severely, pervasively, outrageously accused of an act that I did not commit by a Support Staff White Supervisor. I was sent an email from my supervisor being accused of sending a text message to a probation supervisor. I was never asked but accused with a warning that, "this is inappropriate." However, I never sent any text message to the probation supervisor but was not given the opportunity to explain without feeling like I had to defend myself from something I had never done. This was very uncomfortable and placed me in yet, another awkward position of being accused without any proof. I was targeted because of my race and previous complaints had been forwarded to management regarding the hostile work environment. I was embarrassed, frustrated, and my character was attacked. The employer knew about this and I made it known in my complaint forwarded to the State Court Administrator's office.

This was a hostile work environment.

CLAIM THREE: TITLE VII RETALIATION

Supporting facts cont...

...I engaged in protective activity by making complaints of discrimination to my Supervisor, Kimberly Moore as early as May 2019 by letting her know of the disparate treatment within the department. I also, informed the manager of the department, Curtis Hamstra in May of 2019 and July of 2019. In September of 2019 I spoke to the Chief Probation Officer of the 18th Judicial District Department, Doug Gray to complain of discrimination, bullying, and working in a hostile environment. On September 6, 2019, I personally delivered, submitted, and handed my Discrimination Complaint Form to Janice McMullin, Human Resources Division for the State Court Administrator's office. On November 15, 2019, I filed a discrimination inquiry/charge with EEOC and met with EEOC on Tuesday, March 10, 2020.

After I made my complaint, inappropriate demeaning and negative actions were taken against me and the work environment became even worse. Bad behavior and incivility within the workplace was being demonstrated from other support staff and Supervisor. I was excluded from training and the new hires were treated and trained differently.

The bad behavior, actions, and incivility happened because of retaliation. On March 19th, I was terminated from my position which is a continuation of discrimination against me and have a appointment on Monday, June 30th with the EEOC for retaliation inquiry/charge.

My employer was notified of my EEOC complaint and Notice of Right to Sue letter dated on March 16th, 2020 and on March 17th, 2020 the Probation Department created and dated paperwork to terminate me. I was terminated on March 19th, 2020. I then filed a second charge for retaliation with EEOC and on December 10th, 2020, received my Notice of Right to Sue from the U.S. Department of Justice, Civil Rights Division.

~~CLAIM FOUR: Section 1981~~

~~Supporting facts cont...~~

~~All of my allegations from Claim 1 and Claim 2 are hereby incorporated in Claim 4. I was discriminated against by my employer because I am a African American woman and I received disparate treatment from my Caucasian peers within the working environment.~~

~~CLAIM FIVE: Hostile Work Environment Under Section 1981~~

~~Supporting facts cont...~~

~~I hereby incorporate all the allegations from claim 2. Because of the harassment being very severe it became a abusive environment. I experienced a hostile work environment because of my race, my supervisor did not do anything about it, I complained to the manager of the department, then to the Chief Probation Officer, and the State Court Administrators Office, nothing was done, and I was fired on March 19th, 2020.~~

~~CLAIM SIX: Retaliation Under Section 1981~~

~~Supporting facts cont...~~

~~I hereby incorporate all the allegations from claim 3. I was retaliated against when I took action to stop the racial discrimination I was experiencing. After meeting with EEOC on March 10th, 2020 and receiving Notice of Right to Sue dated March 16th, 2020, shortly after notice received I was terminated on March 19th, 2020.~~

E. ADMINISTRATIVE PROCEDURES

Did you file a charge of discrimination against defendant(s) with the Equal Employment Opportunity Commission or any other federal or state agency? (*check one*)

☒ Yes (*You must attach a copy of the administrative charge to this complaint*)

☐ No

Have you received a notice of right to sue? (*check one*)

☒ Yes (*You must attach a copy of the notice of right to sue to this complaint*)

☐ No

F. REQUEST FOR RELIEF

State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "F. REQUEST FOR RELIEF."

Additional paper is attached

G. PLAINTIFF'S SIGNATURE

I declare under penalty of perjury that I am the plaintiff in this action, that I have read this complaint, and that the information in this complaint is true and correct. See 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

Shantella Yancy
(Plaintiff's signature)

February 1, 2021
(Date)

(Form Revised December 2017)

F. REQUEST FOR RELIEF:

Economic damages

Compensatory damages

Punitive or willfulness damages as allowed by law

Any non-monetary remedy

I demand a jury.



U.S. Department of Justice
Civil Rights Division

NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

VIA EMAIL

950 Pennsylvania Avenue, N.W.
Karen Ferguson, EMP, PHB, Room 4701
Washington, DC 20530

December 10, 2020

Ms. Shontella Young
PO Box 473495
Aurora, CO 80047

Re: EEOC Charge Against 18th Judicial Probation Dept.
No. 541202001774

Dear Ms. Young:

Because you filed the above charge with the Equal Employment Opportunity Commission, and the Commission has determined that it will not be able to investigate and conciliate that charge within 180 days of the date the Commission assumed jurisdiction over the charge and the Department has determined that it will not file any lawsuit(s) based thereon within that time, and because you have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice. If you cannot afford or are unable to retain an attorney to represent you, the Court may, at its discretion, assist you in obtaining an attorney. If you plan to ask the Court to help you find an attorney, you must make this request of the Court in the form and manner it requires. Your request to the Court should be made well before the end of the time period mentioned above. A request for representation does not relieve you of the obligation to file suit within this 90-day period.

The investigative file pertaining to your case is located in the EEOC Denver District Office, Denver, CO.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Eric S. Dreiband
Assistant Attorney General
Civil Rights Division

by /s/ Karen L. Ferguson
Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Denver District Office EEOC

18th Judicial Probation Dept.

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of February, 2021, the foregoing **SECOND AMENDED EMPLOYMENT DISCRIMINATION COMPLAINT** was filed with the Clerk of the Court via email, which is expected to send notification of such filing to the following:

18th Judicial Probation Department, Defendant

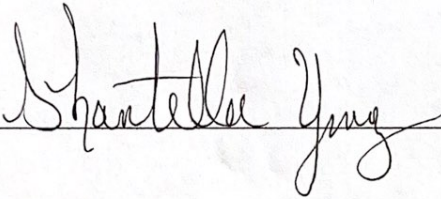
Attorneys for Defendant

Jack D. Patten, III, Senior Assistant Attorney General

Jack.patten@coag.gov

Leslie C. Schulze, Assistant Attorney General

Leslie.schulze@coag.gov

s/  _____

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 20-CV-01687-SKC

Shontella Young _____, Plaintiff

v.

18th Judicial Probation Department _____

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SHONTELLA YOUNG, PO BOX 473495, AURORA, CO 80047-3495

(Name and complete mailing address)

303-587-5911 IM12BLEV@YAHOO.COM

(Telephone number and e-mail address)

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Please list the following information for each defendant listed in the caption of the complaint. If more space is needed, use extra paper to provide the information requested. The additional pages regarding defendants should be labeled "B. DEFENDANT(S) INFORMATION."

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720-213-7830 DOUGLAS GRAY@JUDICIAL.STATE.CO.US

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Additional address for service of processor: Office of the Attorney General, Colorado Department of Law, Ralph L. Carr Judicial Building, 1300 Broadway, 10th Floor, Denver, Co 80203

Defendant 2: _____

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C. JURISDICTION

Identify the statutory authority that allows the court to consider your claim(s): (check all that apply)

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(employment discrimination on the basis of race, color, religion, sex, or national origin)

_____ Americans with Disabilities Act, as amended, 42 U.S.C. §§ 12101, et seq. (employment discrimination on the basis of a disability)

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D. STATEMENT OF CLAIM(S)

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The conduct complained of in this claim involves the following: *(check all that apply)*

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 ☒ different terms and conditions of employment
☐ failure to promote

 ☐ failure to accommodate disability
☒ termination of employment

 ☐ retaliation
☐ other: *(please specify)* _____

Defendant's conduct was discriminatory because it was based on the following: *(check all that apply)*

☒ race

 ☐ religion

 ☐ national origin

 ☐ age
☐ color

 ☐ sex

 ☐ disability

Supporting facts:

I am a African American woman. See attached additional pages.

CLAIM TWO: TITLE VII Hostile Work Environment

The conduct complained of in this claim involves the following: *(check all that apply)*

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☐ other: *(please specify)* _____

Defendant's conduct was discriminatory because it was based on the following: *(check all that apply)*

☒ race ☐ religion ☐ national origin ☐ age
☐ color ☐ sex ☐ disability

Supporting facts:

This claim incorporates all previous allegations. See attached additional pages.

[Click Here for Additional Claim](#)

CLAIM THREE: **TITLE VII Retaliation**

The conduct complained of in this claim involves the following: *(check all that apply)*

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☐ failure to promote ☐ failure to accommodate disability
☐ termination of employment ☒ retaliation
☐ other: *(please specify)* _____

Defendant's conduct was discriminatory because it was based on the following: *(check all that apply)*

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☐ color ☐ sex ☐ disability

Supporting facts:

This claim incorporates all previous allegations. See attached additional pages.

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My employer was notified of my EEOC complaint and Notice of Right to Sue letter dated on March 16th, 2020 and on March 17th, 2020 the Probation Department created and dated paperwork to terminate me. I was terminated on March 19th, 2020. I then filed a second charge for retaliation with EEOC and on December 10th, 2020, received my Notice of Right to Sue from the U.S. Department of Justice, Civil Rights Division.

E. ADMINISTRATIVE PROCEDURES

Did you file a charge of discrimination against defendant(s) with the Equal Employment Opportunity Commission or any other federal or state agency? *(check one)*

☒ Yes *(You must attach a copy of the administrative charge to this complaint)*

☐ No

Have you received a notice of right to sue? *(check one)*

☒ Yes *(You must attach a copy of the notice of right to sue to this complaint)*

☐ No

F. REQUEST FOR RELIEF

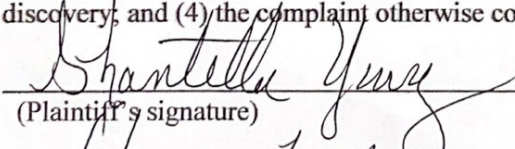
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G. PLAINTIFF'S SIGNATURE

I declare under penalty of perjury that I am the plaintiff in this action, that I have read this complaint, and that the information in this complaint is true and correct. See 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.


(Plaintiff's signature)


(Date)

(Form Revised December 2017)

F. REQUEST FOR RELIEF:

Economic damages

Compensatory damages

Punitive or willfulness damages as allowed by law

Any non-monetary remedy

I demand a jury.



U.S. Department of Justice
Civil Rights Division

NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

VIA EMAIL

950 Pennsylvania Avenue, N.W.
Karen Ferguson, EMP, PHB, Room 4701
Washington, DC 20530

December 10, 2020

Ms. Shontella Young
PO Box 473495
Aurora, CO 80047

Re: EEOC Charge Against 18th Judicial Probation Dept.
No. 541202001774

Dear Ms. Young:

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The investigative file pertaining to your case is located in the EEOC Denver District Office, Denver, CO.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Eric S. Dreiband
Assistant Attorney General
Civil Rights Division

by /s/ Karen L. Ferguson
Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Denver District Office EEOC

18th Judicial Probation Dept.

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of February, 2021, the foregoing **SECOND AMENDED EMPLOYMENT DISCRIMINATION COMPLAINT** was filed with the Clerk of the Court via email, which is expected to send notification of such filing to the following:

18th Judicial Probation Department, Defendant

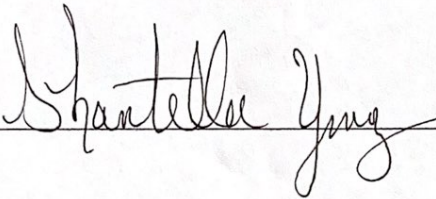
Attorneys for Defendant

Jack D. Patten, III, Senior Assistant Attorney General

Jack.patten@coag.gov

Leslie C. Schulze, Assistant Attorney General

Leslie.schulze@coag.gov

s/  _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. **20-CV-01687-SKC**

SHONTELLA YOUNG

Plaintiff(s),

v.

18TH JUDICIAL PROBATION DEPARTMENT

Defendant(s).

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of February, 2021, I sent a copy of the **SECOND AMENDED EMPLOYMENT DISCRIMINATION COMPLAINT** via email or by depositing copies of same in the United States Mail, first-class postage to the following:

18th Judicial Probation Department, Defendant

Attorneys for Defendant

Jack D. Patten, III, Senior Assistant Attorney General

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